IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 24905 of 2006(M)

PETITIONER:

MANAGER,
M.K.M.H.S.S. PIRAVOM, ERNAKULAM DISTRICT.

BY ADV. SRI.N.SUKUMARAN
SRI.SAJI VARGHESE KAKKATTUMATTATHIL

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO THE DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.

4. DISTRICT EDUCATION OFFICER,
MUVATTUPUZHA.

5. GEENAMOL THOMAS,
L.G. HINDI TEACHER, M.K.M.H.S.S.,
PIRAVOM, ERNAKULAM DISTRICT.

R1 TO R4 BY SR. GOVT. PLEADER (SHRI T.T. MUHAMMED)

R5 BY ADV. SRI.V.A.MUHAMMED
SRI.BIJU C.ABRAHAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 24905 OF 2006 M

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER OF APPOINTMENT ISSUED BY PETITIONER TO 5TH RESPONDENT DATED 3.10.2000.

EXT.P2 TRUE COPY OF THE ORDER OF APPOINTMENT ISSUED BY PETITIONER TO 5TH RESPONDENT DATED 2.9.2002.

EXT.P3 TRUE COPY OF THE ORDER OF APPOINTMENT ISSUED BY PETITIONER TO 5TH RESPONDENT DATED 2.6.2003.

EXT.P4 TRUE COPY OF THE ORDER OF 4TH RESPONDENT DATED 15.9.2003 BEARING NO.B3-4457/2003.

EXT.P5 TRUE COPY OF THE ORDER OF 4TH RESPONDENT DATED 15.7.2005 BEARING NO. D. DIS.D3/4954/2005.

EXT.P6 TRUE COPY OF THE STATEMENT OF 5TH RESPONDENT DATED 1.9.2006.

EXT.P7 TRUE COPY OF THE ORDER OF APPOINTMENT ISSUED BY PETITIONER TO SMT. MANJU ELDOSE DATED 29.8.2005.

EXT.P8 TRUE COPY OF THE REPRESENTATION SUBMITTED BY 5TH RESPONDENT TO THIRD RESPONDENT DATED 9.3.2006.

EXT.P9 TRUE COPY OF THE ORDER OF THIRD RESPONDENT DATED 15.3.2006 BEARING NO.B4-25606/06 (D).

EXT.P10 TRUE COPY OF THE APPEAL FILED BY 5TH RESPONDENT BEFORE 2ND RESPONDENT DATED 23.3.2006.

EXT.P11 TRUE COPY OF THE APPLICATION SUBMITTED BY 5TH RESPONDENT TO THE PETITIONER DATED 5.6.2006.

EXT.P12 TRUE COPY OF ORDER OF APPOINTMENT ISSUED BY PETITIONER TO THE 5TH RESPONDENT DATED 5.6.2006.

EXT.P13 TRUE COPY OF THE ORDER OF 2ND RESPONDENT BEARING NO.D.DIS.22373/06/R1(2)/DPI DATED 23.8.2006.

EXT.P14 TRUE COPY OF THE ARGUMENT NOTES SUBMITTED BY PETITIONER BEFORE THE 2ND RESPONDENT DATED 8.6.2006.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 24905 OF 2006 M

Dated this the 11th January, 2007

JUDGMENT

Prayer in the Writ Petition is to quash Ext.P13. By Ext.P13, the Director of Public Instruction has allowed the Appeal filed by fifth respondent under Rule 12D of Chapter XXIII KER, setting aside Ext.P9. It is pointed out by learned counsel for fifth respondent that the petitioner has an alternate remedy in the form of a Revision under Rule 12F of Chapter XXIII KER before the Government. In such circumstances, I feel that the petitioner should be relegated to the pursuit of the alternate remedy available to him under Rule 12F of Chapter XXIII KER against Ext.P13. Accordingly, if the petitioner prefers a Revision Petition before first respondent Government within a period of three weeks from today, the first respondent will consider the same under Rule 12F of Chapter XXIII KER and a decision will be taken on the same in accordance with law, after hearing the petitioner and fifth respondent, within a period

of two months from the date of receipt of the Revision Petition. Petitioner will serve a copy of the Revision Petition on the fifth respondent within a week of filing the same so as to allow the fifth respondent to defend the action before first respondent. I am leaving open the contentions of petitioner.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.